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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,355	01/24/2002	Bruce Bradshaw	P05141US0	8052

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EXAMINER

MAI, TRI M

ART UNIT PAPER NUMBER

3727

DATE MAILED: 10/28/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/056,355

Applicant(s)

BRADSHAW, BRUCE

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 5-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-4 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Applicant timely traversed the restriction (election) requirement in Paper No. 13.

Applicant explanation that claims 12, 13, and 15 are readable on the embodiment of figs. 5-8, and this is confusing. It seems that the opening having an opening at the lower end of portion 26. If it is interpreted that the upper opening is on the opposite side along portion 28, it is unclear whether claim 12 is readable in the embodiment of figs. 1-2 since the opening is situated on the outer side.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 5-10, and 12-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The original disclosure fails to teach the protective pocket having no opening for inserting the head of the golf club except through the partially open collar. Fig. 1 shows the opening extends beyond the collar and into the upper portion. This is a new matter rejection.

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4. Claims 12-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear whether claims 12, 13, and 15 are readable in the embodiment of figs. 5-8. Applicant is required to provide an explanation of how the upper portion and lower portion is defined.

Claim Rejections - 35 USC § 102

5. Claims ~~12~~ and ~~15~~ are rejected under 35 U.S.C. 102(e) as being anticipated by either Suggs (6321805) or Chang (6065516). Suggs teaches a cover having an upper having a toe end and a heel end and an opening for insertion or removal of the club head except the lower portion.

Chang teaches an opening for insertion or removal of the club head except through the lower portion similar to that of Figs. 5-8.

6. Claims ~~12~~, ~~13~~, and ~~15~~ are rejected under 35 U.S.C. 102(b) as being anticipated by Aldcroft et al. (5944081). Aldcroft teaches a cover with upper and lower portion and an opening for insertion or removal of the club head through the lower portion.

7. Claim ~~11~~ is rejected under 35 U.S.C. 103(a) as being unpatentable over Gaffney (4898222) in view of Sander. Gaffney teaches a golf club head cover including a protective head cover, and a partially open collar. Gaffney meets all claimed limitations except for the resilient clip. Sander teaches that it is known in the art to provide a resilient clip 22. It would have been obvious to one of ordinary skill in the art to provide a resilient clip in Gaffney as taught by Sander to provide an alternative attachment means for the collar of the golf club.

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8. Claims 5, 6, 8-11, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suggs (6321805) in view of Sander. Suggs teaches a golf club head cover including a protective head cover, and a partially open collar. Suggs meets all claimed limitations except for the resilient clip. Sander teaches that it is known in the art to provide a resilient clip 22. It would have been obvious to one of ordinary skill in the art to provide a resilient clip in Gaffney as taught by Sander to provide an alternative attachment means for the collar of the golf club.

Regarding claims 8 and 9, Sander teaches an interior lining as shown in the cross section of Fig. 6. It would have been obvious to one of ordinary skill in the art to provide the clip between the two layers in Suggs as taught by Sander to protect the club from scratching.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Suggs rejection and further in view of Thompson (4378832). The Suggs rejection meets all claimed limitations except for the clip being made from metal. Thompson teaches that it is known in the art to make a clip 40 from metal. It would have been obvious to one of ordinary skill in the art to make the clip from metal in the Suggs rejection as taught by Thompson to provide added strength and/or durability.

Response to Arguments

10. Applicant's arguments filed 08/25/03 have been fully considered but they are not persuasive. The new claims have been rejected, and new grounds of rejections have been applied as set forth above. It is noted that claim 11 does not read over the Gaffney in view of Sander. It is noted that the head in Gaffney is fully protected as shown in Fig. 2, line 19A.


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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (703)308-1038. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W Young can be reached on (703)308-2572. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1148.

Tri M. Mai 
Primary Examiner
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